

SEP 16 2010

JAMES R. LARSEN, CLERK
YAKIMA, WASHINGTON DEPUTY

UNITED STATES OF AMERICA

vs.

Cause No. CR-10-2036-RMP-2

HECTOR ZUAZO-BENAVIDES

AGREEMENT FOR PRE-TRIAL DIVERSION

It is alleged by an Indictment returned by the Grand Jury on April 14, 2010 in Cause Number CR-10-2036-RMP-2 that HECTOR ZUAZO-BENAVIDES committed the following offenses against the United States in the Eastern District of Washington:

- **Count 1:** Beginning on or about March 16, 2010 and continuing to on or about March 22, 2010, in the Eastern District of Washington and elsewhere, the Defendants, SERGIO BENAVIDES-RAMIREZ and HECTOR ZUAZO-BENAVIDES, knowingly and intentionally combined, conspired, confederated and agreed together and with each other, and with other persons known and unknown to the Grand Jury, to commit the following offenses against the United States: to distribute 500 grams and more of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, all in violation of Title 21, United States Code, Sections 841(a)(1) and 846.
- **Count 2:** On or about March 22, 2010, in the Eastern District of Washington, the Defendants, SERGIO BENAVIDES-RAMIREZ and HECTOR ZUAZO-BENAVIDES, did knowingly and intentionally possess with intent to distribute 500 grams or more of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, all in violation of Title 21 United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

It appears, however, after an investigation of the offense and your background, that the interests of the United States and your own interests, and the interests of justice, will be served by the following procedure, therefore:

On the authority of the Attorney General of the United States, by James A. McDevitt, United States Attorney for the

Eastern District of Washington, prosecution in this District for this offense shall be deferred for a period of 12 months from the date of the filing of this Agreement, provided you abide by the following conditions and the requirements of the Pre-Trial Diversion program set out below.

Should you violate any conditions of this supervision, the United States Attorney or his designee may revoke or modify any conditions of this Pre-Trial Diversion program or change the period of supervision for an additional period which shall in no case exceed 12 months from the original termination date of the diversion agreement. The United States Attorney may release you from supervision at any time. The United States Attorney may at any time within the period of your supervision reinitiate prosecution for this offense should you violate the conditions of this supervision and will furnish you with notice specifying the conditions of your program which you have violated.

If, upon successful completion of the program and your period of supervision, a Pre-Trial Diversion report is received to the effect that you have complied with all the rules, regulations and conditions above mentioned, the United States will move to dismiss, with prejudice, the charge for the above described offense.

Neither this Agreement nor any other document filed with the United States Attorney as a result of your participation in the Pre-Trial Diversion Program will be used against you in connection with any prosecution for the above described offense or be provided to any other person or entity other than the United States Attorney's Office, United States District Court, and the United States Probation Office without Court order or as otherwise required by law.

CONDITIONS OF PRE-TRIAL DIVERSION *JAB* *V-2*

that results in a conviction *H-Z. GJ*

1. You shall not commit a violation of any law (federal, state and local). This condition shall not apply to infractions. You shall immediately contact your Pre-Trial Diversion supervisor if arrested and/or questioned by any law enforcement officer.

2. You shall be employed regularly at a lawful occupation.

3. You shall continue to live in this judicial district. If you desire to move out of the district, you shall obtain permission from your diversion supervisor so that the appropriate

transfer of program responsibility can be made prior to your relocation.

4. You shall report to your diversion supervisor as directed and keep him/her informed of your whereabouts.

5. You shall not possess, control and/or consume any controlled substance without a valid prescription or items commonly used for the consumption of such substances (drug paraphernalia), or be in any place where such substances are located, controlled and/or consumed. Prescription drugs shall not include marijuana.

6. You shall strive to achieve the desired goals of the program.

I, **HECTOR ZUAZO-BENAVIDES**, assert and certify that I am aware of the fact that the Sixth Amendment to the Constitution of the United States provides that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial. I also am aware that Rule 48(b) of the Federal Rules of Criminal Procedure provides that the Court may dismiss an indictment, information, or complaint for unnecessary delay in presenting a charge to the Grand Jury, filing an information, or in bringing a defendant to trial. I hereby request that the United States Attorney for the Eastern District of Washington defer any prosecution of me for violations of Title 21, United States Code, Sections 841(a)(1) and 846 and Title 18, United States Code, Section 2, as described herein, for a period of 12 months, and to induce him to defer such prosecution I agree and consent that any delay from the date of this Agreement to the date of the initiation of the prosecution, as provided for in the terms expressed herein, shall be deemed to be a necessary delay at my request and I waive any defense to such prosecution on the ground that such delay operated to deny my rights under Rule 48(b) of the Federal Rules of Criminal Procedure and the Sixth Amendment to the Constitution of the United States to a speedy trial or to

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bar the prosecution by reason of the running of the statute of limitations for the effective period of this Diversion Agreement.

I hereby state that the above has been read by me and explained to me by my attorney. I understand the conditions of my Pre-Trial Diversion and agree that I will comply with them.




HECTOR ZUAZO-BENAVIDES

8/22/10
DATE

VA W 2


VICTOR LARA
Attorney for HECTOR ZUAZO-BENAVIDES

8/22/10
DATE



JAMES A. GOEKE
Assistant United States Attorney

9/14/2010
DATE



U.S. PROBATION OFFICER

9/16/10
DATE

APPROVED without passing judgment on the merits or wisdom of this diversion.



HONORABLE ROSANNA MALOUF PETERSON
United States District Court Judge

9/16/10
DATE